

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

DAVID L. MICHEL, ESQ., Special)	Civil Action No. 2:16-cv-2746-MBS
Administrator of the Estate of DePayne)	
Middleton-Doctor,)	
)	
Plaintiff,)	PETITION TO APPROVE
)	SETTLEMENT FOR
v.)	SURVIVAL AND WRONGFUL DEATH
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

The duly appointed Special Administrator of the Estate of DePayne Middleton-Doctor petitions the Court pursuant to the Federal Tort Claim Act (FTCA) and S.C. Code Ann. § 15-51-42 for approval of the proposed settlement of a wrongful death and survival action, and would show unto this Honorable Court as follows:

1. The Special Administrator has reached a proposed settlement with Defendant for wrongful death and survival as set forth in this Petition. That proposed settlement is memorialized in the Stipulation for Compromise Settlement and Release of Federal Tort Claims Act Claims Pursuant to 28 U.S.C. § 2677, attached as Exhibit A hereto.

2. DePayne Middleton-Doctor (the “Decedent”) was a victim of the Mother Emanuel murder and died as a result of gunshot wounds on or about June 17, 2015, in Charleston, South Carolina, and brought claims against Defendant as more fully set forth in the Complaint and Amended Complaint on file herein.

3. Defendant denies any liability with respect to the claims and death of the Decedent but has negotiated the settlement herein as a reasonable compromise of disputed claims.

4. Defendant is not insured for claims such as that presented by the Decedent but allows for such claim under the FTCA.

5. The terms of the proposed settlement include the payment of \$7,500,000.00 to David L. Michel, Esq., Special Administrator of the Estate of DePayne Middleton-Doctor for the survival and wrongful death actions.

6. The statutory beneficiaries of the Decedent under the wrongful death statute are Gracyn Doctor, Kaylin Doctor, Hali Doctor, C.D., surviving children of DePayne Middleton-Doctor.

7. The Decedent had no Will, and the heirs at law of the Decedent are also Gracyn Doctor, Kaylin Doctor, Hali Doctor and C.D., surviving children of DePayne Middleton-Doctor.

8. The only outstanding claim is in the amount of \$1,005.54 which will be paid from the settlement proceeds herein.

9. The Personal Representative set forth below has retained counsel listed below and agreed to pay the sum of 25% of the amount recovered for attorney's fees and \$22,600.15 for costs as set forth on **Exhibit B** attached hereto.

10. The Petitioner believes the settlement is in the best interest of the Estate and beneficiaries.

WHEREFORE, the duly authorized Special Administrator of the Estate of DePayne Middleton-Doctor petitions this Court as follows:

1. to approve the proposed settlement with Defendant in the amount of \$7,500,000.00, and subject to all terms and conditions set forth in the Stipulation for Compromise Settlement and Release of Federal Tort Claims Act Claims Pursuant to 28 U.S.C. § 2677, attached hereto as **Exhibit A**, payable to David L. Michel, Esq., Special Administrator of the Estate of DePayne Middleton-Doctor for the survival and wrongful death actions, as set forth in this Petition and to execute such further documents as necessary to effectuate settlement;

2. to relieve and discharge Defendant from further liability and all obligations or legal duties to see to the appropriate or proper distribution of the settlement proceeds in accordance the FTCA and with S.C. Code Ann. §15-51-42(E);

3. for an Order providing that, upon payment to the Special Administrator, the obligations of Defendant be fully and completely released and finally and forever discharged from any further responsibility in connection with the death of DePayne Middleton-Doctor; and

4. for an order that attorneys' fees and disbursements as set forth in **Exhibit B** be approved and that the settlement proceeds be distributed as set forth on **Exhibit B**.

RESPECTFULLY SUBMITTED,

By: s/Gedney M. Howe, III

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Attorneys for Plaintiff

Charleston, South Carolina


October 28, 2021

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

VERIFICATION

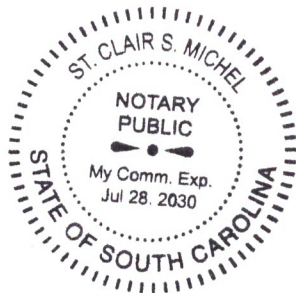
PERSONALLY APPEARED BEFORE ME, David L. Michel, Esq., in his capacity as Special Administrator of the Estate of DePayne Middleton-Doctor, who being duly sworn, deposes and says that he is the Petitioner in the foregoing action; that he has read the Petition to Approve Settlement for Survival and Wrongful Death, and the same is true and correct of his own knowledge, save and except those matters and things therein alleged on information and belief; and, as to those matters and things, he believes the same to be true and correct.


DAVID L. MICHEL, ESQ., SPECIAL
ADMINISTRATOR OF THE ESTATE OF
DePAYNE MIDDLETON-DOCTOR

SWORN TO and subscribed before me this
27 day of October, 2021.

St. Clair L. Nickel
Notary Public for South Carolina

My Commission Expires: 7-28-2030



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Administrator of the Estate of DePayne)	
Middleton-Doctor,)	
)	
Plaintiff,)	CERTIFICATION OF
)	LEGAL COUNSEL
v.)	
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

I, Andrew J. Savage, III, attorney for Claimant David L. Michel, Esq. as Special Administrator of the Estate of DePayne Middleton-Doctor, certifies as follows:

1. I have read the Petition to Approve Settlement for Survival and Wrongful Death.
2. I am of the opinion that the settlement is fair and reasonable and in the best interest of the wrongful death statutory beneficiaries and the Estate of DePayne Middleton-Doctor.

By: s/Andrew J. Savage, III (with permission)

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